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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

WHITNEY ANNE-MARIE ORLANDO,

CV No. 3:13-cv-1649

Plaintiff,

v.

NOTICE OF REMOVAL OF ACTION
UNDER 28 USC §§ 1331, 1441 and 1446
(FEDERAL QUESTION)

PORTLAND STATE UNIVERSITY, an
Oregon public university, and MARCIA
KLOTZ

Defendants.

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF OREGON, PORTLAND DIVISION:

Pursuant to 28 USC §§ 1331, 1441 and 1446, defendants Portland State
University and Marcia Klotz, hereby give notice of removal of the action entitled Whitney Anne-

Page 1 - Notice of Removal of Action Under 28 USC §§ 1331, 1441 and 1446 (Federal
Question)

Marie Orlando v. Portland State University, an Oregon public university, and Marcia Klotz,
Case No. 1308-12007, pending in the Circuit Court of the State of Oregon for the County of
Multnomah to the United States District Court for the District of Oregon, Portland Division.

BASIS FOR REMOVAL

1. On or about August 19, 2013, plaintiff filed a complaint against defendants in which she asserted a claims under ORS 659A.403, 20 USC § 1681 (Title IX), and common law claims for negligence and intentional infliction of emotional distress.

2. On August 19, 2013, plaintiff served the summons and complaint on Portland State University. On September 12, 2013, plaintiff served the summons and complaint on Marcia Klotz. Copies of all process, pleadings, and orders served on defendants are attached to this notice as Exhibit 1. Defendants have taken no action in the Circuit Court for the County of Multnomah that would prejudice their right to removal.

3. Pursuant to 28 USC § 1446, this notice of removal is timely filed within 30 days after service of the summons and complaint on both defendants.

4. This action is one over which this court has original jurisdiction under 28 USC § 1331 because this court has federal question jurisdiction over plaintiff's claim under 20 USC § 1681 (Title IX). Thus, this action is removable under 28 USC § 1441(a).

5. This action may be removed to this court by the defendants, pursuant to the provisions of 28 USC § 1441(a) and according to the procedure under 28 USC § 1446.

6. Promptly after filing this notice of removal, defendants will serve a copy upon plaintiff and will file a copy with the Clerk of the Circuit Court of Multnomah County, Oregon.

Page 2 - Notice of Removal of Action Under 28 USC §§ 1331, 1441 and 1446 (Federal Question)

WHEREFORE, defendants remove the above-entitled action now pending in the Circuit Court of Multnomah County, State of Oregon, to the United States District Court for the District of Oregon.

DATED this 18th day of September, 2013.

MILLER NASH LLP

/s/ Naomi Levelle-Haslitt

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Attorneys for Defendants

Page 3 - Notice of Removal of Action Under 28 USC §§ 1331, 1441 and 1446 (Federal Question)

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Notice of Removal of Action Under 28 USC §§ 1331, 1441 and 1446 (Federal Question) on:

Mr. Bear Wilner-Nugent
Attorney at Law
621 S.W. Morrison Street, Suite 1250
Portland, Oregon 97205
bwnlaw@gmail.com
Facsimile: (503) 323-7356

Attorney for Plaintiff

by the following indicated method or methods on the date set forth below:

- CM/ECF system transmission.**
- E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- Facsimile communication device.**
- First-class mail, postage prepaid.**
- Hand-delivery.**
- Overnight courier, delivery prepaid.**

DATED this 18th day of September, 2013.

/s/ Naomi Levelle-Haslitt
Naomi Levelle-Haslitt, OSB No. 075857
Of Attorneys for Defendants